

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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UNITED STATES OF AMERICA

**Hon. Dennis M. Cavanaugh**

**ORDER**

v.

Criminal No. 08-763

MICHAEL KAUFMAN and  
DAVID WYNN

DMC

Defendants.

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DENNIS M. CAVANAUGH, U.S.D.J.:

This matter comes before the Court upon motion by the United States of America to permit the deposition of a potential government witness pursuant to Federal Rule of Criminal Procedure Rule 15. After considering all submissions, and based upon the following;

**WHEREFORE** the United States states that a potential Government witness is gravely ill and may be unavailable to testify at trial;

**WHEREFORE** the Government has not submitted any declaration, certification or affidavit from the potential witness attesting to the severity of his illness such that a deposition pursuant to Federal Rule of Criminal Procedure Rule 15 would be necessary;

**WHEREFORE** the Government has not submitted any declaration, certification or affidavit from a physician or otherwise qualified medical professional attesting to the severity of the potential witness' illness, or to his diagnosis and prognosis;


**WHEREFORE** the declaration submitted by the Government in support of the instant

motion states that the potential witness is still able to go to work;

**WHEREFORE** the trial for which the deposition is sought is scheduled to begin on November 30, 2010;

IT IS 5 day of November, 2010;

**ORDERED** the Government's motion to take and preserve for trial the deposition of a potential witness is **denied** without prejudice.

  
Dennis M. Cavanaugh, U.S.D.J.

Original: Clerk  
cc: All Counsel of Record  
File